

FIFTY-NINTH DAY
(Thursday, April 28, 1983)

The Senate met at 10:30 o'clock a.m., pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Blake, Brooks, Brown, Caperton, Doggett, Edwards, Farabee, Glasgow, Harris, Henderson, Howard, Jones, Kothmann, Leedom, Lyon, Mauzy, McFarland, Montford, Parker, Parmer, Santiesteban, Sarpalius, Sharp, Sims, Traeger, Truan, Uribe, Vale, Washington, Whitmire, Williams.

A quorum was announced present.

Mr. Herbert A. Gottschalk, Our Lady of Lebanon Maronite Church, Austin, offered the invocation as follows:

O God of love, show us the beauty and glory of Your majesty! Bring Your power and the fire of Your love into this assembly, the chosen representatives of Your people in the State of Texas. Be with them in all that they will think, say and do this day, especially in the performance of their official duties. Please, dear Lord, endow them with wisdom, courage and fortitude and with absolute commitment to what is right and just. Grant them integrity of mind, heart and spirit, a wholehearted determination never to compromise ethical principles but rather to adhere to justice and truth. May their efforts and decisions be for Your greater glory, the honor of this State and the good of all its citizens. When their work for this day has ended, grant them the reward of Your blessing on what they have done and give them rest and security in Your peace and the joyful realization of Your love. Beloved God and Father, grant that all that we ask for in faith be given us in the name of Jesus Christ, Your Son, through the power and in the love of Your Holy Spirit. And may we now proceed to do the work to which we are called this day, constantly aware of Your presence, O great and glorious Triune God. Amen.

On motion of Senator Mauzy and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

MESSAGE FROM THE HOUSE

House Chamber
April 28, 1983

HONORABLE W. P. HOBBY
PRESIDENT OF THE SENATE

SIR: I am directed by the House to inform the Senate that the House has passed the following:

H.C.R. 197, Calling on the Houston Metropolitan Transit Authority to submit to a State audit.

H.B. 4, Relating to the holding of elections on uniform election dates.

H.B. 493, Relating to the authority of the commissioners court in certain counties to designate a stadium or airport as a wet area.

H.B. 517, Relating to dismissal of certain misdemeanor charges on completion of a driving safety course.

H.B. 1128, Relating to records of births, deaths, and fetal deaths, enforcement of the vital statistics law, and providing a hearing for a person whose application for a copy of a record is refused.

H.B. 1344, Relating to jurisdiction over and regulation of certain entities by the State Board of Insurance.

H.B. 1505, Relating to housing projects subject to the jurisdiction of a housing authority.

H.B. 1619, Relating to filing notice of a sale of real estate under a power conferred by a contract lien.

H.B. 2158, Relating to the enforcement and collection of the city hotel occupancy tax.

H.B. 2298, Relating to the redesignation of County Court at Law Numbers 4 and 6 of Bexar County as probate courts, and to the redesignation of County Court at Law Number 5 of Bexar County as County Court at Law Number 4.

S.B. 281, Relating to a supplemental appropriation to the Board of Pardons and Paroles for certain expenses associated with relocating to different office space to alleviate current overcrowded conditions. (As substituted)

S.B. 453, Relating to regulation of certain reinsurance by the State Board of Insurance.

S.B. 606, Relating to the creation, funding, dissolution, and powers and duties of a special district in counties with a population of more than 2 million to administer a system by which the 911 telephone number is the emergency number. (With amendment)

S.B. 1112, Relating to the distribution to political subdivisions and use of money received from the use and development of federal public land; giving the comptroller of public accounts certain responsibilities and duties. (With amendments)

Respectfully,

BETTY MURRAY, Chief Clerk
House of Representatives

REPORTS OF STANDING COMMITTEES

Senator Brooks submitted the following report for the Committee on Health and Human Resources:

S.B. 1313
S.B. 1293 (Amended)
S.C.R. 83
S.C.R. 84
S.C.R. 85
S.C.R. 86
S.C.R. 87
S.C.R. 88
S.C.R. 89

Senator Whitmire, Acting Chairman, submitted the following report for the Committee on Health and Human Resources:

H.C.R. 85
H.C.R. 84

S.C.R. 82

Senator Brooks submitted the following report for the Committee on Health and Human Resources:

C.S.S.B. 1019 (Read first time)

Senator Whitmire, Acting Chairman, submitted the following report for the Committee on Health and Human Resources:

C.S.S.B. 819 (Read first time)

Senator Brooks submitted the following report for the Committee on Health and Human Resources:

C.S.S.B. 1155 (Read first time)**C.S.S.B. 375** (Read first time)

Senator Traeger submitted the following report for the Committee on Intergovernmental Relations:

S.B. 549**H.B. 218****H.B. 373****H.B. 333****S.B. 862****S.B. 1071****S.B. 1074****C.S.S.B. 223** (Read first time)**C.S.S.B. 1358** (Read first time)**C.S.S.B. 1252** (Read first time)**C.S.S.B. 1194** (Read first time)**C.S.S.B. 1192** (Read first time)

Senator Farabee submitted the following report for the Committee on State Affairs:

H.B. 730**H.B. 2194****S.B. 908****S.B. 1119****S.B. 1316****C.S.S.B. 1017** (Read first time)**C.S.S.B. 1156** (Read first time)**C.S.S.B. 1321** (Read first time)**C.S.S.B. 587** (Read first time)

Senator Santiesteban submitted the following report for the Committee on Natural Resources:

S.J.R. 42**S.J.R. 41****S.J.R. 40****S.B. 518** (Amended)**S.B. 808****S.B. 1075****H.B. 1346****S.B. 1283****H.B. 701** (Amended)**H.C.R. 8**

H.B. 1341
H.B. 1406
H.B. 2304
H.B. 1199 (Amended)
C.S.S.B. 1022 (Read first time)
C.S.S.B. 785 (Read first time)
C.S.S.B. 321 (Read first time)
C.S.S.B. 1279 (Read first time)
C.S.S.B. 834 (Read first time)
C.S.S.B. 534 (Read first time)
C.S.S.B. 1000 (Read first time)
C.S.S.B. 870 (Read first time)
S.B. 1236 (Amended)
C.S.S.B. 1309 (Read first time)
C.S.S.B. 1235 (Read first time)
C.S.S.B. 895 (Read first time)
C.S.S.B. 1026 (Read first time)

BILLS AND RESOLUTION SIGNED

The President announced the signing in the presence of the Senate, after the caption had been read, the following enrolled bills and resolution:

S.B. 617
S.B. 343
S.C.R. 94

(Senator McFarland in Chair)

SENATE BILLS AND RESOLUTION ON FIRST READING

On motion of Senator Williams and by unanimous consent, the following bills and resolution were introduced, read first time and referred to the Committee indicated:

S.B. 1359 by Williams Intergovernmental Relations
Relating to the creation of Domestic Relations Offices in counties having a population in excess of 2,000,000.

S.B. 1360 by Traeger Intergovernmental Relations
Relating to the jurisdiction of the County Court at Law of Guadalupe County.

S.B. 1361 by Doggett, Glasgow, Sims State Affairs
Relating to farm winery permits; amending the Texas Alcoholic Beverage Code to replace the repealed Chapter 17 with a new Chapter 17 to be titled "Farm Winery Permit;" authorizing the issuance of farm winery permits; prescribing authorized activities; prescribing an annual fee; enacting other provisions relating to the subject; and declaring an emergency.

S.B. 1362 by Vale Health and Human Resources
Relating to the regulation of ambulatory surgical centers; providing penalties.

S.C.R. 98 by Brooks Health and Human Resources
Creating an interagency Autism Task Force.

HOUSE BILLS ON FIRST READING

The following bills received from the House were read the first time and referred to the Committee indicated:

H.B. 149, To Committee on Economic Development.

H.B. 520, To Committee on State Affairs.
H.B. 521, To Committee on Jurisprudence.
H.B. 1255, To Committee on State Affairs.

SENATE RESOLUTION 529

Senator Truan offered the following resolution:

S.R. 529, Congratulating the Intercultural Development Research Association, Inc.

The resolution was read and was adopted.

On motion of Senator Vale and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

MESSAGE FROM THE GOVERNOR

The following Message from the Governor was read and was referred to the Committee on State Affairs, Subcommittee on Nominations:

Austin, Texas
April 27, 1983

TO THE SENATE OF THE SIXTY-EIGHTH LEGISLATURE, REGULAR SESSION:

I ask the advice, consent and confirmation of the Senate with respect to the following appointments:

TO BE A MEMBER OF THE TEXAS HEALTH FACILITIES COMMISSION:

For a term to expire February 1, 1987:

DORA ANN G. McDONALD

2018 Nevada

San Marcos, Texas 78666

(Mrs. McDonald is replacing Mr. Sloan L. Kirk of San Saba, San Saba County, Texas, who was not confirmed by the Senate.)

April 28, 1983

TO BE JUDGE OF THE 130th JUDICIAL DISTRICT, MATAGORDA COUNTY, UNTIL THE NEXT GENERAL ELECTION AND UNTIL HIS SUCCESSOR SHALL BE DULY ELECTED AND QUALIFIED:

W. JACK SALYER

P. O. Box 1666

Bay City, Texas 77414

(Mr. Salyer is replacing the Honorable G. P. Hardy, Jr., of Bay City, Matagorda County, Texas, who retired.)

TO BE JUDGE OF THE 52nd JUDICIAL DISTRICT, CORYELL COUNTY, UNTIL THE NEXT GENERAL ELECTION AND UNTIL HIS SUCCESSOR SHALL BE DULY ELECTED AND QUALIFIED:

BOBBY L. CUMMINGS

Route 3, Box 137

Gatesville, Texas 76528

(Mr. Cummings is replacing the Honorable Byron L. McClellan of Gatesville, Coryell County, Texas, who retired.)

TO BE DISTRICT JUDGE FOR THE 88th JUDICIAL DISTRICT, HARDIN AND TYLER COUNTIES, UNTIL THE NEXT GENERAL ELECTION AND UNTIL HIS SUCCESSOR SHALL BE DULY QUALIFIED:

EARL B. STOVER

104 Quail Run

Silsbee, Texas 77656

(Mr. Stover is replacing The Honorable Clyde E. Smith, Jr., of Kountze, Hardin County, Texas, who resigned.)

TO BE MEMBERS OF THE BRAZOS RIVER AUTHORITY BOARD OF DIRECTORS:

For a term to expire February 1, 1989:

R. E. (Gene) CHAMBERS

2413 Clayton

Wichita Falls, Texas 76301

(Mr. Chambers is being reappointed.)

For a term to expire February 1, 1989:

GLYNN A. WILLIAMS

500 Brookshire Drive

Bryan, Texas 77801

(Mr. Williams is being reappointed.)

For a term to expire February 1, 1989:

WALTER CLIFFORD WIESE, JR.

805 Wharton

Calvert, Texas 77837

(Mr. Wiese is replacing Mr. Jack McGlothlin, of Abilene, Taylor County, Texas, whose term expired.)

For a term to expire February 1, 1989:

DOUGLAS A. STRAIN

18 Seminole Lane

West Columbia, Texas 77486

(Mr. Strain is replacing Dr. Arthur I. (Rusty) Davidson, of Comanche, Comanche County, Texas, whose term expired.)

For a term to expire February 1, 1985:

JOHN M. WEHBY

P. O. Box 55

Taylor, Texas 76574

(Mr. Wehby is replacing Mr. Netum A. Steed, of Wichita Falls, Wichita County, Texas, who is deceased.)

For a term to expire February 1, 1989:

BRUCE V. CAMPBELL, JR.

Box 85

Knox City, Texas 79529

(Mr. Campbell is being reappointed.)

For a term to expire February 1, 1989:

HENRY J. BOEHM, SR.

2109 Tison

Brenham, Texas 77833

(Mr. Boehm is being reappointed.)

Respectfully submitted,

/s/Mark White

Governor of Texas

**SUBCOMMITTEE ON NOMINATIONS
GRANTED PERMISSION TO MEET**

On motion of Senator Howard and by unanimous consent, all necessary rules were suspended in order that the Subcommittee on Nominations might meet at

Senator Howard's desk while the Senate is in session in order to consider the nomination of Mr. Earl B. Stover, to be District Judge for the 88th Judicial District.

GUEST PRESENTED

The Presiding Officer (Senator McFarland in Chair) introduced the President's guest, Ms. Beverly Kercheval of Slaton.

Ms. Kercheval was welcomed by the Senate.

REPORT OF STANDING COMMITTEE

Senator Howard submitted the following report for the Subcommittee on Nominations:

Earl B. Stover, to be District Judge for the 88th Judicial District, Hardin and Tyler counties.

SESSION TO CONSIDER EXECUTIVE APPOINTMENTS

The Presiding Officer announced the time had arrived to consider the Executive appointments to agencies, boards and commissions. Notice of submission of these names for consideration was given by Senator Howard yesterday.

NOMINEE ADDED TO LIST OF NOMINEES TO BE CONSIDERED

On motion of Senator Howard and by unanimous consent, the nomination of Mr. Earl B. Stover, to be District Judge of the 88th Judicial District, and reported favorably by the Subcommittee on Nominations, was added to those nominees to be considered.

Senator Howard moved confirmation of the nominees reported by the Subcommittee on Nominations.

The Presiding Officer (Senator McFarland in Chair) asked if there were requests to sever nominees.

Senator Brooks requested that Ernest Angelo, to be a Member of Texas College and University System Coordinating Board, be severed.

The request was granted.

NOMINEES CONFIRMED

The following nominees not severed, and including the nomination of Mr. Stover, and as reported by the Subcommittee on Nominations were confirmed by the following vote: Yeas 31, Nays 0.

Members, Texas College and University System Coordinating Board: HARLAN ROGERS CROW, Dallas County; CIPRIANO F. GUERRA, JR., Bexar County; MRS. CHANDLER LINDSLEY, Dallas County; WILLIAM R. PATTERSON, D.D.S., Bowie County.

Member, Governor's Commission on Physical Fitness: RICHARD LENNOX SHORKEY, M.D., Jefferson County.

Member, Texas Board of Human Resources: THOMAS M. DUNNING, Dallas County.

Member, Texas Aeronautics Commission: MELVIN E. PHILLIPS, JR., Randall County.

Judge, Second 25th Judicial District Court: GUS J. STRAUSS, Lavaca County.

(President in Chair)

NOMINATION REJECTED

Question on the confirmation of Mr. Ernest Angelo, to be a Member of the Texas College and University System Coordinating Board, the Senate refused to confirm Mr. Angelo by the following vote: Yeas 10, Nays 21.

Yeas: Brown, Harris, Henderson, Howard, Jones, Leedom, McFarland, Sarpalius, Sharp, Sims.

Nays: Blake, Brooks, Caperton, Doggett, Edwards, Farabee, Glasgow, Kothmann, Lyon, Mauzy, Montford, Parker, Parmer, Santiesteban, Traeger, Truan, Uribe, Vale, Washington, Whitmire, Williams.

COMMITTEE SUBSTITUTE SENATE BILL 567 ON THIRD READING

Senator Jones asked unanimous consent to suspend the regular order of business to take up for consideration at this time on its third reading and final passage:

C.S.S.B. 567, Relating to contributions to the Teacher Retirement System of Texas and for the optional retirement program.

There was objection.

Senator Jones then moved to suspend the regular order of business and take up **C.S.S.B. 567** for consideration at this time on its third reading and final passage.

The motion prevailed by the following vote: Yeas 23, Nays 8.

Yeas: Blake, Brooks, Brown, Caperton, Edwards, Farabee, Glasgow, Harris, Howard, Jones, Lyon, McFarland, Montford, Parker, Santiesteban, Sharp, Sims, Traeger, Truan, Uribe, Vale, Washington, Whitmire.

Nays: Doggett, Henderson, Kothmann, Leedom, Mauzy, Parmer, Sarpalius, Williams.

The bill was read third time and was finally passed.

RECORD OF VOTES

Senators Mauzy, Doggett, Parmer, Vale, Montford, Kothmann, Leedom, Brown, Sarpalius, Uribe, Williams, Whitmire, Truan and Sharp asked to be recorded as voting "Nay" on the final passage of the bill.

MESSAGE FROM THE HOUSE

House Chamber
April 28, 1983

HONORABLE W. P. HOBBY
PRESIDENT OF THE SENATE

SIR: I am directed by the House to inform the Senate that the House has passed the following:

S.B. 33, Relating to rights, powers, duties, and functions of the Texas Rehabilitation Commission; providing for a right of subrogation for the cost of services provided.

S.B. 288, Relating to an increase and/or change in the computation of fees, imposed or authorized, charges, assessments, deposits, and penalties charged and collected in connection with the powers and duties of certain state agencies. (With amendments)

S.B. 368, Relating to the continuation, administration, membership, and grounds for removal of members of the Council for Social Work Certification, and to powers and duties of the Texas Department of Human Resources. (With amendment)

S.B. 427, Relating to the continuation, operations, membership, grounds of removal of members and powers and duties of the Texas State Library and Archives Commission. (With amendments)

S.B. 454, Relating to compensation of the members of the governing body of the Fort Bend County Drainage District. (As substituted)

S.B. 565, Relating to certification of court reporters, deputy court reporters, and persons who engage in the practice of shorthand reporting in courts of this state, to the creation of the Court Reporters Certification Board. (With amendments)

Respectfully,

BETTY MURRAY, Chief Clerk
House of Representatives

COMMITTEE SUBSTITUTE SENATE BILL 179 ON SECOND READING

On motion of Senator Jones and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 179, Appropriating money for support of Judicial, Executive and Legislative branches of State government (General Appropriation Bill). (Submitted by Governor as an emergency)

The bill was read second time and was passed to engrossment.

RECORD OF VOTE

Senator Doggett asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

LEAVE OF ABSENCE

Senator Washington was granted leave of absence for the remainder of today on account of important business on motion of Senator Parmer.

COMMITTEE SUBSTITUTE SENATE BILL 179 ON THIRD READING

Senator Jones moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **C.S.S.B. 179** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Washington.

The bill was read third time and was passed by the following vote: Yeas 27, Nays 3.

Yeas: Blake, Brooks, Brown, Caperton, Edwards, Farabee, Glasgow, Harris, Henderson, Howard, Jones, Kothmann, Leedom, Mauzy, McFarland, Montford, Parker, Parmer, Santiesteban, Sharp, Sims, Traeger, Truan, Uribe, Vale, Whitmire, Williams.

Nays: Doggett, Lyon, Sarpalius.

Absent-excused: Washington.

SENATE BILL 920 ON THIRD READING

Senator Leedom moved to suspend the regular order of business to take up for consideration at this time on its third reading and final passage:

S.B. 920, Relating to the authority of the Texas Department of Human Resources to set and charge a fee for providing certain services.

The motion prevailed by the following vote: Yeas 21, Nays 9.

Yeas: Blake, Brooks, Brown, Caperton, Farabee, Glasgow, Harris, Henderson, Howard, Jones, Leedom, Lyon, McFarland, Montford, Parmer, Sarpalius, Sims, Traeger, Uribe, Vale, Whitmire.

Nays: Doggett, Edwards, Kothmann, Mauzy, Parker, Santiesteban, Sharp, Truan, Williams.

Absent-excused: Washington.

The bill was read third time and was finally passed.

RECORD OF VOTE

Senator Truan asked to be recorded as voting "Nay" on the final passage of the bill.

SENATE BILL 1076 ON THIRD READING

Senator Truan moved to suspend the regular order of business to take up for consideration at this time on its third reading and final passage:

S.B. 1076, Relating to the use of certain tools by agricultural laborers in commercial farming operations.

The motion prevailed by the following vote: Yeas 23, Nays 7.

Yeas: Blake, Brooks, Caperton, Doggett, Edwards, Glasgow, Harris, Henderson, Howard, Kothmann, Lyon, Mauzy, Parker, Parmer, Santiesteban, Sarpalius, Sharp, Traeger, Truan, Uribe, Vale, Whitmire, Williams.

Nays: Brown, Farabee, Jones, Leedom, McFarland, Montford, Sims.

Absent-excused: Washington.

The bill was read third time and was finally passed.

RECORD OF VOTES

Senators McFarland, Henderson, Brown, Sharp, Leedom and Montford asked to be recorded as voting "Nay" on the final passage of the bill.

SENATE BILL 483 ON SECOND READING

Senator Traeger asked unanimous consent to suspend the regular order of business to take up for consideration at this time:

S.B. 483, Relating to the application of the Health Facilities Development Act to nursing homes organized for profit.

There was objection.

Senator Traeger then moved to suspend the regular order of business and take up **S.B. 483** for consideration at this time.

The motion prevailed by the following vote: Yeas 20, Nays 10.

Yeas: Blake, Brooks, Brown, Glasgow, Harris, Henderson, Kothmann, McFarland, Montford, Parker, Parmer, Santiesteban, Sarpalius, Sharp, Traeger, Truan, Uribe, Vale, Whitmire, Williams.

Nays: Caperton, Doggett, Edwards, Farabee, Howard, Jones, Leedom, Lyon, Mauzy, Sims.

Absent-excused: Washington.

The bill was read second time and was passed to engrossment.

RECORD OF VOTES

Senators Mauzy, Doggett, Truan, Howard and Henderson asked to be recorded as voting "Nay" on the engrossment of the bill.

MOTION TO PLACE SENATE BILL 483 ON THIRD READING

Senator Traeger moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that S.B. 483 be placed on its third reading and final passage.

The motion was lost by the following vote: Yeas 18, Nays 12. (Not receiving four-fifths vote of the Members present)

Yeas: Brooks, Brown, Glasgow, Harris, Kothmann, McFarland, Montford, Parker, Parmer, Santiesteban, Sarpalius, Sharp, Traeger, Truan, Uribe, Vale, Whitmire, Williams.

Nays: Blake, Caperton, Doggett, Edwards, Farabee, Henderson, Howard, Jones, Leedom, Lyon, Mauzy, Sims.

Absent-excused: Washington.

COMMITTEE SUBSTITUTE SENATE BILL 799 ON SECOND READING

On motion of Senator Parker and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 799, Relating to student services fees at certain institutions of higher education.

(Senator Brooks in Chair)

The bill was read second time and was passed to engrossment.

RECORD OF VOTES

Senators Brooks, Doggett and Truan asked to be recorded as voting "Nay" on the engrossment of the bill.

COMMITTEE SUBSTITUTE SENATE BILL 799 ON THIRD READING

Senator Parker moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that C.S.S.B. 799 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 2.

Yeas: Blake, Brooks, Brown, Caperton, Edwards, Farabee, Glasgow, Harris, Henderson, Howard, Jones, Kothmann, Leedom, Lyon, McFarland, Montford, Parker, Parmer, Santiesteban, Sarpalius, Sharp, Sims, Traeger, Truan, Uribe, Vale, Whitmire, Williams.

Nays: Doggett, Mauzy.

Absent-excused: Washington.

The bill was read third time and was passed by the following vote: Yeas 25, Nays 5.

Yeas: Blake, Brown, Caperton, Edwards, Farabee, Glasgow, Harris, Henderson, Howard, Jones, Kothmann, Leedom, Lyon, McFarland, Montford, Parker, Parmer, Santiesteban, Sarpalius, Sharp, Sims, Traeger, Uribe, Whitmire, Williams.

Nays: Brooks, Doggett, Mauzy, Truan, Vale.

Absent-excused: Washington.

MESSAGE FROM THE HOUSE

House Chamber
April 28, 1983

HONORABLE W. P. HOBBY
PRESIDENT OF THE SENATE

SIR: I am directed by the House to inform the Senate that the House has passed the following:

- H.C.R. 199, Congratulating Meadows School of the Arts.
- H.C.R. 200, Congratulating Levelland High School.
- H.C.R. 201, Congratulating Dr. Lawrence Weiner.
- H.C.R. 202, Congratulating Karen McGraw.
- H.C.R. 203, Congratulating Karl Kiliam and the Brazos Book Store.
- H.C.R. 204, Congratulating Spring Branch Independent School District.
- H.C.R. 205, Congratulating the Dallas Times Herald.
- H.C.R. 206, Congratulating Dr. John Biggers.
- H.C.R. 207, Congratulating Donna Swartz.
- H.C.R. 208, Congratulating Arthur Anderson & Co.
- H.C.R. 209, Congratulating the City of Garland.
- H.C.R. 210, Congratulating the Corpus Christi Caller Times.
- H.C.R. 211, Congratulating the Lufkin Rotary Club.
- H.C.R. 212, Congratulating Austin Community Television, Inc.

Respectfully,

BETTY MURRAY, Chief Clerk
House of Representatives

SENATE BILL 1047 ON SECOND READING

On motion of Senator Vale and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 1047, Relating to the collection of fees by the Texas Department of Health for public health services; giving the Texas Department of Health and the Texas Board of Health certain powers and duties.

The bill was read second time.

Senator Vale offered the following committee amendment to the bill:

Amend **S.B. 1047** on page 1 by inserting a new subsection (e) to read as follows:

(e) The board may not deny public health services to a person because of the person's inability to pay for services.

The committee amendment was read and was adopted.

Senator Vale offered the following amendment to the bill:

Amend **S.B. 1047** on page 2, by deleting lines 10-17 and inserting in lieu thereof the following:

(c) The department shall deposit all money collected for fees charged under Section 2(a) of this Act to a special fee fund in the State Treasury to be entitled the Texas Department of Health Public Health Services Fee Fund. All fees in the Texas Department of Health Public Health Services Fee Fund are appropriated to the department. The department shall maintain proper accounting records to allocate this special fund between the various state and federal programs generating the fees and administrative costs incurred in the collection of the fees.

(d) All money collected by department contractors for fees charged under Section 2(b) of this Act shall be retained by the department contractors and used in accordance with contract provisions.

The amendment was read and was adopted.

On motion of Senator Vale and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

SENATE BILL 1047 ON THIRD READING

Senator Vale moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 1047** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Washington.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0. (Same as previous roll call)

(President in Chair)

SENATE BILL 583 ON SECOND READING

On motion of Senator Whitmire and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 583, Relating to fees charged by local health departments that administer public health services.

The bill was read second time.

Senator Whitmire offered the following committee amendment to the bill:

Amend **S.B. 583** on page 1 by inserting a new subsection (c) to read as follows and relettering the succeeding subsection accordingly:

(c) A local health department may establish a schedule of fees and in establishing such a schedule shall take into account a person's ability to pay the entire amount of a fee.

The committee amendment was read and was adopted.

On motion of Senator Whitmire and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

SENATE BILL 583 ON THIRD READING

Senator Whitmire moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 583** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Washington.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0. (Same as previous roll call)

COMMITTEE SUBSTITUTE SENATE BILL 1181 ON SECOND READING

On motion of Senator Caperton and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 1181, Relating to the establishment, disbursement, and use of an engineering excellence fund to be used for acquisition of capital equipment for certain engineering colleges in the state.

The bill was read second time and was passed to engrossment.

COMMITTEE SUBSTITUTE SENATE BILL 1181 ON THIRD READING

Senator Caperton moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **C.S.S.B. 1181** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Washington.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0. (Same as previous roll call)

COMMITTEE SUBSTITUTE SENATE BILL 1328 ON SECOND READING

On motion of Senator Brooks and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 1328, Relating to loans, grants, or scholarships granted by the State Rural Medical Education Board.

The bill was read second time and was passed to engrossment.

COMMITTEE SUBSTITUTE SENATE BILL 1328 ON THIRD READING

Senator Brooks moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **C.S.S.B. 1328** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Washington.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0. (Same as previous roll call)

COMMITTEE SUBSTITUTE SENATE BILL 923 ON SECOND READING

On motion of Senator Doggett and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 923, Relating to the regulation of lobbying; providing penalties.

The bill was read second time.

Senator Doggett offered the following amendment to the bill:

Amend **C.S.S.B. 923** by:

1. Deleting "and 11" on page 3, line 66.
2. Deleting lines 8 through 17 on page 4.

The amendment was read and was adopted.

On motion of Senator Doggett and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

COMMITTEE SUBSTITUTE SENATE BILL 923 ON THIRD READING

Senator Doggett moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **C.S.S.B. 923** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Washington.

The bill was read third time and was passed.

COMMITTEE SUBSTITUTE SENATE BILL 801 ON SECOND READING

On motion of Senator Uribe and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 801, Relating to changing the name of the Harlingen State Chest Hospital to the South Texas Hospital; authorizing the Texas Board of Health to establish certain health services at the South Texas Hospital.

The bill was read second time and was passed to engrossment.

COMMITTEE SUBSTITUTE SENATE BILL 801 ON THIRD READING

Senator Uribe moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **C.S.S.B. 801** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Washington.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0. (Same as previous roll call)

MESSAGE FROM THE HOUSE

House Chamber
April 28, 1983

HONORABLE W. P. HOBBY
PRESIDENT OF THE SENATE

SIR: I am directed by the House to inform the Senate that the House has passed the following:

S.B. 339, Relating to the powers of navigation districts.

S.J.R. 12, Proposing a constitutional amendment to authorize use of the permanent school fund to guarantee school bonds.

S.J.R. 17, Proposing a constitutional amendment to permit a city or town to expend public funds and levy assessments for the relocation or replacement of sanitation sewer laterals on private property. (With amendment)

Respectfully,

BETTY MURRAY, Chief Clerk
House of Representatives

COMMITTEE SUBSTITUTE SENATE BILL 872 ON SECOND READING

On motion of Senator Jones and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 872, Relating to the authorization under the Uniform Reciprocal Enforcement of Support Act for a court to order a deduction from certain child support payments for the payment of certain court costs.

The bill was read second time.

Senator Jones offered the following amendment to the bill:

Amend **C.S.S.B. 872** by inserting the words "and not to exceed \$500" after the word "percent" in line 27 on page 1.

The amendment was read and was adopted.

On motion of Senator Jones and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

COMMITTEE SUBSTITUTE SENATE BILL 872 ON THIRD READING

Senator Jones moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **C.S.S.B. 872** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Washington.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0. (Same as previous roll call)

SENATE BILL 656 ON SECOND READING

On motion of Senator Howard and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 656, Relating to the appointment of a trustee to operate convalescent and nursing homes and related institutions, and to the creation of a revolving fund to make loans to be administered by the trustee.

The bill was read second time.

Senator Howard offered the following committee amendment to the bill: Amend Subsection (f), **S.B. 656** (Howard) by striking Subsection (f), page 3, and substituting the following:

(f) The licensing agency in accordance with criteria and procedures approved by the Texas Board of Health, which shall include a requirement that the funds in Subsection (e) above are expended by the trustee prior to the application for a loan and in addition shall give notice to the person or governing body officially operating the facility at the time the trustee was appointed of the application for a loan, the amount and the justification given by the trustee, may issue a loan to the facility at the request of and to be administered by the trustee appointed pursuant to Subsection (d) of this Section if it finds:

- (1) the facility has inadequate funds on hand which are accessible to the trustee for operation of the facility;
- (2) an emergency exists that presents an immediate threat to the health and safety of residents of the facility; and
- (3) it is in the best interest of the health and safety of the residents that funds to be made immediately available.

The committee amendment was read and was adopted.

On motion of Senator Howard and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

SENATE BILL 656 ON THIRD READING

Senator Howard moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 656** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Washington.

The bill was read third time and was passed.

SENATE BILL 802 ON SECOND READING

Senator Brown asked unanimous consent to suspend the regular order of business to take up for consideration at this time:

S.B. 802, Relating to obtaining a certificate of title to certain motor vehicles.

There was objection.

Senator Brown then moved to suspend the regular order of business and take up **S.B. 802** for consideration at this time.

The motion prevailed by the following vote: Yeas 24, Nays 5.

Yeas: Brown, Caperton, Doggett, Edwards, Glasgow, Harris, Henderson, Howard, Jones, Kothmann, Leedom, Lyon, Mauzy, Parker, Parmer, Santiesteban, Sarpalius, Sharp, Traeger, Truan, Uribe, Vale, Whitmire, Williams.

Nays: Blake, Brooks, Farabee, Montford, Sims.

Absent: McFarland.

Absent-excused: Washington.

The bill was read second time and was passed to engrossment.

RECORD OF VOTE

Senator Blake asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

SENATE BILL 802 ON THIRD READING

Senator Brown moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that S.B. 802 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 25, Nays 4.

Yeas: Brown, Caperton, Doggett, Edwards, Glasgow, Harris, Henderson, Howard, Jones, Kothmann, Leedom, Lyon, Mauzy, Montford, Parker, Parmer, Santiesteban, Sarpalius, Sharp, Traeger, Truan, Uribe, Vale, Whitmire, Williams.

Nays: Blake, Brooks, Farabee, Sims.

Absent: McFarland.

Absent-excused: Washington.

The bill was read third time and was passed by the following vote: Yeas 24, Nays 5.

Yeas: Brown, Caperton, Doggett, Edwards, Glasgow, Harris, Henderson, Howard, Jones, Kothmann, Leedom, Lyon, Mauzy, Parker, Parmer, Santiesteban, Sarpalius, Sharp, Traeger, Truan, Uribe, Vale, Whitmire, Williams.

Nays: Blake, Brooks, Farabee, Montford, Sims.

Absent: McFarland.

Absent-excused: Washington.

SENATE BILL 1306 ON SECOND READING

On motion of Senator Glasgow and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 1306, Relating to the application of the Professional Prosecutors Act to the offices of certain district attorneys, criminal district attorneys, and county attorneys performing the duties of the district attorney and to compensation of certain other criminal district attorneys or county attorneys.

The bill was read second time.

Senator Glasgow offered the following amendment to the bill:

Amend Section 1, line 14, by inserting the number "69th" between the numbers "66th" and "70th", and line 18 by inserting the word "Cass" between the words "Caldwell" and "Eastland".

The amendment was read and was adopted.

On motion of Senator Glasgow and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

SENATE BILL 1306 ON THIRD READING

Senator Glasgow moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that S.B. 1306 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Washington.

The bill was read third time and was passed.

SENATE BILL 910 ON SECOND READING

On motion of Senator Caperton and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 910, Relating to hazardous duty pay for parole officers.

The bill was read second time and was passed to engrossment.

SENATE BILL 910 ON THIRD READING

Senator Caperton moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that S.B. 910 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Washington.

The bill was read third time and was passed.

SENATE BILL 901 ON SECOND READING

On motion of Senator Traeger and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 901, Relating to regulation of the fitting and dispensing of hearing aids.

The bill was read second time and was passed to engrossment.

SENATE BILL 901 ON THIRD READING

Senator Traeger moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that S.B. 901 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Washington.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0. (Same as previous roll call)

COMMITTEE SUBSTITUTE SENATE BILL 381 ON SECOND READING

On motion of Senator Vale and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 381, Relating to the licensing and regulation of home health agencies.

The bill was read second time and was passed to engrossment.

COMMITTEE SUBSTITUTE SENATE BILL 381 ON THIRD READING

Senator Vale moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **C.S.S.B. 381** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Washington.

The bill was read third time and was passed.

COMMITTEE SUBSTITUTE SENATE BILL 866 ON SECOND READING

On motion of Senator Lyon and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 866, Relating to the creation, powers, and dissolution of public nonprofit corporations to aid in financing agricultural enterprises and facilities.

The bill was read second time and was passed to engrossment.

RECORD OF VOTE

Senator Howard asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

COMMITTEE SUBSTITUTE SENATE BILL 866 ON THIRD READING

Senator Lyon moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **C.S.S.B. 866** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 2.

Yeas: Blake, Brooks, Brown, Caperton, Doggett, Edwards, Farabee, Glasgow, Harris, Henderson, Kothmann, Leedom, Lyon, Mauzy, McFarland, Montford, Parker, Parmer, Santiesteban, Sarpalius, Sharp, Sims, Traeger, Truan, Uribe, Vale, Whitmire, Williams.

Nays: Howard, Jones.

Absent-excused: Washington.

The bill was read third time and was passed by the following vote: Yeas 27, Nays 3.

Yeas: Blake, Brooks, Brown, Caperton, Doggett, Edwards, Farabee, Glasgow, Harris, Henderson, Kothmann, Lyon, Mauzy, McFarland, Montford, Parker, Parmer, Santiesteban, Sarpalius, Sharp, Sims, Traeger, Truan, Uribe, Vale, Whitmire, Williams.

Nays: Howard, Jones, Leedom.

Absent-excused: Washington.

SENATE BILL 635 ON SECOND READING

On motion of Senator Brooks and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 635, Relating to the prohibition of certain discrimination against physicians on the basis of academic degree.

The bill was read second time and was passed to engrossment.

SENATE BILL 635 ON THIRD READING

Senator Brooks moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 635** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Montford.

Absent-excused: Washington.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 1. (Same as previous roll call)

COMMITTEE SUBSTITUTE SENATE BILL 804 ON SECOND READING

Senator Brown moved to suspend the regular order of business to take up for consideration at this time:

C.S.S.B. 804, Relating to penalties for violation of shrimping laws.

The motion prevailed by the following vote: Yeas 19, Nays 8.

Yeas: Blake, Brown, Caperton, Edwards, Farabee, Glasgow, Harris, Henderson, Howard, Jones, Kothmann, Leedom, Lyon, Montford, Santiesteban, Sharp, Sims, Traeger, Whitmire.

Nays: Brooks, Doggett, Mauzy, Parker, Parmer, Truan, Vale, Williams.

Absent: McFarland, Sarpalius, Uribe.

Absent-excused: Washington.

The bill was read second time.

Senator Truan offered the following amendment to the bill:

Amend **C.S.S.B. 804** by inserting a new Section 2 to read as follows and renumbering the existing Section 2 and succeeding sections accordingly:

SECTION 2: Chapter 77, Parks and Wildlife Code, is amended by adding Section 77.0201 to read as follows:

Sec. 77.0201. PENALTY; MINOR VIOLATION. (a) Notwithstanding Section 77.020 of this code, a person who violates a provision of this chapter is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$25 nor more than \$200 if:

(1) the offense relates to the time period during which shrimp may be taken and the violation of the time period occurs within 30 minutes before the time period begins or within 30 minutes after the time period ends;

(2) the offense relates to a limitation on the width or length of a net and the net used does not exceed the limitation by more than 18 inches; or

(3) the offense relates to a limitation on the number of pounds of shrimp that a person may catch or retain and the number of pounds of shrimp caught or retained does not exceed the limitation by more than 20 pounds.

(b) A person does not commit an offense under this chapter if the person violates a limitation on the mesh size of a net and the mesh size of the net used exceeds the limitation by not more than one-fourth of an inch.

The amendment was read.

Senator Brown moved to table the amendment.

The motion was lost by the following vote: Yeas 12, Nays 14.

Yeas: Blake, Brown, Caperton, Glasgow, Henderson, Howard, Jones, Kothmann, Montford, Santiesteban, Sims, Whitmire.

Nays: Brooks, Doggett, Edwards, Farabee, Leedom, Lyon, Mauzy, Parker, Parmer, Sharp, Traeger, Truan, Vale, Williams.

Absent: Harris, McFarland, Sarpalius, Uribe.

Absent-excused: Washington.

Question recurring on the adoption of the amendment, the amendment was adopted.

Question - Shall the bill as amended be passed to engrossment?

MEMORIAL RESOLUTIONS

S.R. 533 - By Glasgow: Memorial resolution for Morris S. Sands.

S.R. 534 - By Glasgow: Memorial resolution for Mrs. Ruby Love Harrison Justin.

S.R. 535 - By Glasgow: Memorial resolution for Stanley Eugene Fritzz.

S.R. 538 - By Glasgow, Parmer, McFarland: Memorial resolution for Judge Joe H. Eidson.

WELCOME AND CONGRATULATORY RESOLUTIONS

S.C.R. 96 - By Parmer: Declaring the week of May 8th through May 14, 1983, as "Senior Citizens Centers Week".

S.C.R. 99 - By Vale: Extending congratulations to the individuals and groups whose contributions were responsible for San Antonio being designated as an All-American City.

S.R. 530 - By Farabee: Extending welcome to the students from Spur High School.

S.R. 531 - By Henderson: Extending congratulations to Douglas Edward Soons.

S.R. 536 - By Doggett: Recognizing the week of April 24, 1983, as National Consumers Week.

S.R. 537 - By Glasgow: Extending welcome to Karim Keshavjee.

ADJOURNMENT

On motion of Senator Mauzy, the Senate at 1:33 o'clock p.m. adjourned until 11:00 o'clock a.m. Monday, May 2, 1983.